

REMARKS

The Examiner is thanked for the careful and thorough Office Action, and particularly thanked for the continued examination of all claims.

Claims 1-31 are pending in the present application. Claims 1-31 were rejected, and are pending. Claims 26 and 27 were rejected as anticipated; all other claims were rejected as obvious over various art combinations, as specified below.

Reconsideration of the claims is respectfully requested.

CLAIM REJECTIONS -- 35 U.S.C. §102

Claims 26 and 27 were rejected under 35 U.S.C. §102(e) as being anticipated by Canada *et al.* (US 6,301,514, hereinafter “Canada”). This rejection is traversed.

Independent claim 26 requires, in relevant part, “receiving information from each available wireless transceiver unit at random points in time over a shared channel in response to sending the information request message” (emphasis added). This feature is not taught or suggested by Canada.

The Office Action notes that Canada, in col. 10, describes a status poll process whereby sensors respond to an information request message. Canada describes the responses as made according to a “time slice schedule.” This is quite unlike the claimed language, which specifies that information is received at random points in time.

The Office Action notes that Canada’s col. 14, lines 14-17, includes the phrase “at any

time,” and relies on this to satisfy the claimed “at random points in time.” However, in this passage, Canada describes that “installation can be terminated and resumed at any time by transmitting the appropriate signal from the ICU 9 to the command station 6.” This passage fails to meet the plain language of the claims since this signal is not sent in response to sending the information request message, as claimed.

Since Canada fails to teach or suggest receiving information from each available wireless transceiver unit at random points in time over a shared channel in response to sending the information request message, claims 26 and 27 should be allowed.

CLAIM REJECTIONS -- 35 U.S.C. §103

Claims 1-3, 8-11, 15-17 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Canada in view of Fiorletta (US 5,289,160, hereinafter Fiorletta).

With regard to claims 1 and 9, and their respective dependent claims, there is no motivation present in the cited art to combine the teachings of Canada and Fiorletta. While it is clear that a repeated sending/receiving is important in the context of Fiorletta’s tire-pressure warning system, in which an immediate warning of pressure problems is necessary for safety reasons, nothing in the art suggests that such is needed in the context of Canada’s system. As such, there is no motivation to combine Canada and Fiorletta, and so claims 1-17 should be allowed over this combination, and these rejections are traversed.

With regard to claims 2, 3, 9, 10, and 11 nothing in Canada or Fiorletta teaches or suggests “initiating the repeated receiving and sending in response to a detected problem,” or similar limitations in these claims. The undersigned as studied the cited portions of Fiorletta carefully, and it is clear that Fiorletta’s polling is to detect a problem with tire pressure, and at no point to Fiorletta teach that the polling is initiated in response to a detected problem or a problem detection message.

With regard to claims 15, 16, and 28, nothing in Canada or Fiorletta teaches or suggests the claimed “random points of time” in claim 26, as discussed above. These rejections are traversed.

Claims 5 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Canada in view of Jones (US 5,809,311, hereinafter Jones).

Neither Canada nor Jones teaches “initiating the repeated receiving and sending in response to detecting that the power failure has occurred,” including those portions of Jones’ claims cited in the Office Action. Moreover, there is no proper motivation to combine these references, one of which concerns a wireless machine monitoring system and the other of which concerns a computer backup power system. Their classifications and fields of search do not intersect, and there is no showing at all that this remarkable combination of unrelated and dissimilar technologies could be combined to produce the claimed invention. As described in MPEP 2141.01(a): In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. There is no showing that Jones is within the field of Applicant’s

endeavor or reasonably pertinent to the particular problem with which the present application is concerned.

Claims 18-21 were rejected under U.S.C. §103(a) as being unpatentable over Canada in view of Serikawa et al.(US 6,347,092, hereinafter Serikawa).

Neither Canada nor Serikawa teach or suggest the combination of “detecting that a power failure involving a wireless transceiver unit has occurred; tearing down a wireless data traffic channel used by the wireless transceiver unit in response to detecting; and polling the wireless transceiver unit for information in response to detecting that the power failure has occurred,” as in independent claim 18.

Canada’s col. 16, lines 18-48 describes that Canada does not specifically detect a power failure; it only detect that a “device did not respond to the status request,” for which a power failure is only one possible explanation.

Serikawa does including a description of inhibiting transmission of the “C –channel” in response to an event such as a power failure, but neither Canada nor Serikawa include a teaching or suggestion of “polling the wireless transceiver unit for information in response to detecting that the power failure has occurred.”

The rejection of independent claim 18 and corresponding dependent claims 19-21 is traversed.

Claims 4, 12, 13, 22-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Canada in view of Cormier et al (US 3,688,274, hereinafter Cormier).

As the Office Action concedes, “Canada does not specifically disclose detecting, on a data traffic channel, a communication failure involving a wireless transceiver unit, and polling the wireless transceiver unit for information in response...,” as in Claim 22. As described in detail

above with regard to their other respective independent claims, Canada further fails to teach or suggest significant limitations of each of the other of these claims.

Cormier similarly fails to teach or suggest any action with regard to wireless base units, wireless transceiver units, or wireless channels, for the simple reason that Cormier has nothing to do with wireless communication at all. Applicant is mystified as to how a 1970-filed application could have been interpreted to include teachings as to wireless data transmission and control processes. Moreover, there is no proper motivation to combine these references, one of which concerns a wireless machine monitoring system and the other of which concerns command retry control in relatively ancient computer systems and peripherals. Their classifications and fields of search do not intersect, and there is no showing at all that this remarkable combination of unrelated and dissimilar technologies could be combined to produce the claimed invention. As described in MPEP 2141.01(a): In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. There is no showing that Cormier is within the field of Applicant's endeavor or reasonably pertinent to the particular problem with which the present application is concerned.

These rejections are traversed.

Claims 6, 7 and 29-31 were rejected under 35 U.S.C. §103(a) as being unpatentable over Canada in view of Charmoff (US 4,266,271, hereinafter Charmoff).

The rejections of claims 6 and 7 are traversed as described with relation to independent claim 1, above. The teachings that the Office Action notes are not found in Canada are also not found in Charmoff (nor in Fiorletta, although Fiorletta is not used as a basis for rejection of claims 6 and 7).

With regard to claim 29 and its dependent claims, there is no proper motivation to combine these references, one of which concerns a wireless machine monitoring system and the other of which concerns a “reconfigurable cluster” relatively ancient data-entry terminals. Their classifications and fields of search do not intersect, and there is no showing at all that this remarkable combination of unrelated and dissimilar technologies could be combined to produce the claimed invention. As described in MPEP 2141.01(a): In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant’s endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned. There is no showing that Charmoff is within the field of Applicant’s endeavor or reasonably pertinent to the particular problem with which the present application is concerned.

These rejections are traversed.

CONCLUSION

As a result of the foregoing, the Applicant asserts that all claims in the Application are in condition for allowance, and respectfully requests reconsideration and allowance of such claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *msanderson@davismunck.com*.

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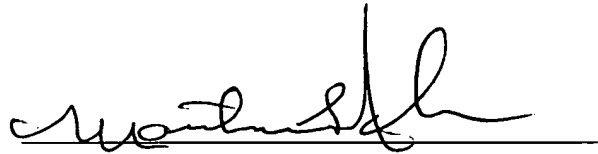
The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

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